(95)

HIGH COURT OF CHHATTISGARH AT BILASPUR
Writ Petition No. 337 of 2002

Petitioner : General Manager (O.S.D.)
Bengal Nagpur Cotton Mills
Rajnandgaon (Chhattisgarh)

Versus

Respondent :1. Kushal Kumar,
S/o Jaitram, R/o Lakholi Ward No. 27, Rajnandgaon.
2. Industrial Court,
Through Member Judge,
Raipur.

Single Bench: Hon'ble Mr. Justice Satish K. Agnihotri

Shri Vinay Pandey, Advocate for the Petitioner.
None for the Respondents.

ORAL ORDER

(12th January, 2006)

1. The respondent No. 1 was appointed as Apprentice on 12.01.1990. After completion of period of apprenticeship he continued to work till 16.03.1992 without regularization. On 16.3.1992, service of the respondent No. 1 was discontinued by oral instructions.

2. Being aggrieved, the order of discontinuation of service, the respondent No. 1 filed an application before the Labour Court, Rajnandgaon in Case No. 76/MPIR Act/92. The Labour Court by its order dated 11.7.1994 held that the service of the respondent No. 1 was terminated without notice and as such it was violative of the provisions of the Industrial Relations Act. However, looking to the facts of the case, the petitioner was reinstated in service and was granted 50% back wages.

3. The respondent No. 1 as well as the petitioner Management filed two appeals separately before the Industrial Court. The respondent No. 1

filed an appeal challenging the order of the Labour Court to the extent that the respondent No. 1 was entitled to be granted 100% back wages. The petitioner Management filed an appeal challenging direction of the Labour Court granting reinstatement with 50% back wages. Both the appeals were numbered as Appeal No. 64/MPIR Act/96 and 63/MPIR Act/96 respectively.

4. The Industrial Court disposed of both the appeals by common judgment and order dated 25.7.2000, directing reinstatement without back wages. Accordingly, the appeal of the respondent No. 1 was dismissed and appeal of the petitioner was allowed partly.

5. The matter was taken up for hearing on 1.11.2002, none appeared on behalf of the petitioner, thereafter, the petition was again listed on 5.12.2002 and the learned counsel for the petitioner prayed for adjournment. On 7.11.2005, again none appeared on behalf of the petitioner.

6. Shri Vinay Pandey, learned counsel for the petitioner submits that the petitioner company has been liquidated, without any material facts or evidence in support of this contention.

7. I have heard learned counsel for the petitioner and perused documents appended to the petition.

8. The Labour Court passed the order on 11.07.1994, directing reinstatement and payment of back wages. The petitioner neither reinstated nor complied with the provisions of Section 65 (3) of the M.P. Industrial Relations Act, 1960 (hereinafter referred to as "MPIRA"), even after the present impugned order was passed on 25.07.2000, the petitioner has deliberately and intentionally failed to comply with the statutory provisions of Section 65 (3) of MPIRA. The petitioner has also not further obtained any interim relief or stay of the impugned order by this court.

9. Looking into the conduct of the petitioner firstly by not appearing before the court on several occasions and secondly by not complying with the provisions of Section 65 (3) of MPIRA, it is desirable that this petition be dismissed. Even otherwise there is no material irregularity and there is sufficient and cogent evidence to support reasoning and decision of the impugned order. This court under Articles 226/227 of the Constitution of India has limited scope of interference with the orders passed by the Labour Court as well as Industrial Tribunal.

10. In view of the foregoing, the petitioner is directed to comply with the order dated 25.07.2000, passed by the Industrial Court in Appeal No. 63/MPIR Act/96 & Appeal No. 64/MPIR Act/96 within a period of three months from today i.e. 12.01.2006.

11. In the facts of the case, this petition stands dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu